

AMENDED IN SENATE AUGUST 20, 1998

AMENDED IN SENATE JULY 1, 1998

AMENDED IN ASSEMBLY MAY 22, 1998

AMENDED IN ASSEMBLY APRIL 14, 1998

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

ASSEMBLY BILL

No. 1687

Introduced by Assembly Member Lempert

(Principal coauthor: Senator Sher)

**(Coauthors: Assembly Members Alquist, Honda, Kuehl,
Shelley, Sweeney, and Wayne)**

(Coauthors: Senators O’Connell, Solis, and Watson)

January 16, 1998

An act to add Sections ~~17030.7, 17269~~ 17072.40, 17074.30, and 32006 to the Education Code, relating to school facilities, ~~and making an appropriation therefor.~~

LEGISLATIVE COUNSEL’S DIGEST

AB 1687, as amended, Lempert. School facilities.

Existing law, the Leroy F. Greene State School Building Lease-Purchase Law (Greene Act), requires all school buildings constructed, altered, or added to through the expenditure of funds apportioned under that law to be the property of the state and requires the Director of General Services to file a certificate indicating the state’s interest in real property of the school district, without the necessity of particularizing the real property. The Greene Act also

requires the State Allocation Board to establish rents for all projects acquired under the Greene Act. Existing law provides for the continuously appropriated State School Building Lease-Purchase Fund for expenditure for purposes of the Greene Act.

~~This bill would exempt any project funded under the Greene Act that involves only the installation in school facilities of an automatic fire detection and alarm system from the above-referenced rent provisions and would prohibit that funding from causing the transfer to the state of title or any other property interest in the subject facilities.~~

This bill would provide that a modernization project funded under the Leroy F. Greene Act of 1998, pursuant to SB 50 of the 1997-98 Regular Session, may consist entirely of the installation of a prescribed automatic fire detection and alarm system, and that the project would be the property of the district as set forth in that act.

Existing law requires every public, private, or parochial school building to be provided with a dependable and operative fire warning system and requires the fire alarm signal to be sounded upon the discovery of fire.

~~This bill would authorize school districts and county offices of education, as defined, to apply to the State Allocation Board for funding under the Leroy F. Greene Act of 1998, pursuant to SB 50 of the 1997-98 Regular Session for the purposes of improving school safety by installing an automatic fire detection and alarm system and would require 20% local matching funds in an amount equal to any amount funded by the State Allocation Board. By expanding the purpose for which continuously appropriated funds may be expended, this bill would make an appropriation as set forth in that act.~~ The bill would require the State Fire Marshal to propose emergency regulations on or before July 1, 1999, regarding fire protection in public school buildings *funded pursuant to the Leroy F. Greene Act of 1998* to reflect these requirements and would require the State Building Standards Commission to adopt, amend, and repeal related regulations.

Existing law, relating to the construction of school buildings, requires the Department of General Services to pass upon and approve or reject all plans for the construction of, or, if the

estimated cost exceeds ~~\$20,000~~ \$25,000, the alteration of, any school building.

~~This bill would, 6 months after the first statewide school facilities bond measure for kindergarten and grades 1 to 12, inclusive, to be approved by the voters on or after November 3, 1998 is approved by the voters, authorize the funding of construction and modernization projects including an automated fire detection and alarm system pursuant to the Leroy F. Greene Act of 1998, and would, commencing May 4, 1999, prohibit the Department of General Services from approving a plan for the construction or modernization of a school building funded pursuant to the Leroy F. Greene Act of 1998 unless, upon the completion of that project, the school building will contain an automatic fire alarm and detection system.~~

The bill would provide that *certain of* its provisions would not become operative unless the voters approve a statewide school facilities bond measure *set forth in SB 50 of the 1998 Regular Session* in the November 3, 1998, statewide general election.

Vote: majority. Appropriation: ~~yes~~ *no*. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. (a) The Legislature finds and declares
2 as follows:

3 (1) Many of the school buildings in use in this state are
4 20 to 30 years old or older and do not provide sufficient
5 fire protection in the building construction, nor do these
6 schools provide an adequate fire detection and alarm
7 system.

8 (2) Without early warning systems, including smoke
9 and heat detectors, fires, like the one at the Green Oaks
10 Family Academy Elementary School, are silent killers
11 that can move quickly through open attic space above
12 classrooms full of children until the classrooms are ignited
13 into inescapable infernos.

(3) An early warning system would give protection to pupils and school personnel by providing additional time for evacuation.

(b) This act shall be known and may be cited as the Green Oaks Family Academy Elementary School Fire Protection Act.

~~SEC. 2. Section 17030.7 is added to the Education Code, to read:~~

~~17030.7. (a) A project funded under this chapter may consist solely of the installation of an automatic fire detection and alarm system as described in subdivision (b) of Section 17269.~~

~~(b) Notwithstanding any other provision of this chapter, any project funded under this chapter that involves only the installation in school facilities of an automatic fire detection and alarm system, as described in subdivision (b) of Section 17269, shall not be subject to Section 17032, nor shall that funding cause the transfer to the state of title or any other property interest in the subject facilities.~~

~~SEC. 3. Section 17269 is added to the Education Code, to read:~~

~~17269. (a) Six months after the first statewide school facilities bond measure that authorizes funding for kindergarten and grades 1 to 12, inclusive, to be approved by the voters on or after November 3, 1998, is approved by the voters~~

SEC. 2. Section 17072.40 is added to Article 5 (commencing with Section 17072.20) of Chapter 12.5 of Part 10 of the Education Code, as added by Senate Bill 50 of the 1997–98 Regular Session, to read:

17072.40. (a) Construction and modernization projects, including an automated fire detection and alarm system as set forth in subdivision (c), may be funded under this chapter. Commencing May 4, 1999, the Department of General Services shall not approve the plans for a project for the construction or modernization of a school building funded pursuant to this chapter unless, upon the completion of that project, the school building will contain an automatic fire detection and

1 alarm system, as described in subdivision (b) and
2 approved by the State Fire Marshal, or a superior fire
3 detection and alarm system, as determined by the State
4 Fire Marshal. *Prior to adoption of the regulations*
5 *pursuant to subdivision (c), the State Department of*
6 *General Services shall administer this section based upon*
7 *the standards set forth in subdivision (b).*

8 (b) The system shall consist of a combination of smoke
9 or heat detectors installed in each unit of a school
10 building, including attic spaces, and the detectors shall
11 activate an alarm signal that sounds an audible alarm
12 throughout the school facility.

13 ~~SEC. 4. It is the intent of the Legislature to provide~~
14 ~~the most cost-effective automatic fire detection and~~
15 ~~alarm system for public schools. In keeping with this~~
16 ~~intent, the~~

17 (c) The State Fire Marshal shall, on or before July 1,
18 1999, propose, and the State Building Standards
19 Commission shall adopt, amend, and repeal, regulations
20 regarding fire protection in public school buildings
21 *funded pursuant to this chapter* to reflect the
22 requirements of this section. *The regulations shall be*
23 *adopted as emergency regulations.*

24 ~~SEC. 5.—~~

25 SEC. 3. Section 17074.30 is added to Article 7
26 (commencing with Section 17074.10) of Chapter 12.5 of
27 Part 10 of the Education Code, as added by Senate Bill 50
28 of the 1997–98 Regular Session, to read:

29 17074.30. (a) A modernization project funded
30 pursuant to this article may consist entirely of the
31 installation of an automatic fire detection and alarm
32 system as described in subdivision (b) of Section 17072.40.

33 (b) Any project funded under this article that involves
34 the installation in school facilities of an automatic fire
35 detection and alarm system, as described in subdivision
36 (b) of Section 17072.40, shall be subject to Section
37 17070.70. The provision of state funding for the project
38 shall not cause the transfer to the state of title or any other
39 property interest in the subject facilities.

1 SEC. 4. Section 32006 is added to the Education Code,
2 to read:

3 32006. (a) School districts and county offices of
4 education may apply to the State Allocation Board for
5 funding under Chapter ~~42~~ 12.5 (commencing with
6 Section ~~17000~~ 17070.10) of Part 10 for the purposes of
7 improving school safety by installing an automatic fire
8 detection and alarm system as specified in subdivision (b)
9 of Section ~~17269~~ 17072.40. To receive funding pursuant to
10 this section, a school district ~~or county office of education~~
11 ~~shall provide local matching funds in an amount equal to~~
12 ~~any amount funded by the State Allocation Board. shall~~
13 *provide local matching funds as set forth in Section*
14 *17074.15.*

15 (b) Notwithstanding subdivision (a) of Section ~~17269~~
16 17072.40, a school district or county office of education
17 may access available funding from the State Allocation
18 Board pursuant to this section if it is available on or after
19 January 1, 1999.

20 ~~SEC. 6.—~~

21 SEC. 5. The provisions set forth in Sections 2 to ~~5~~ 4,
22 inclusive, of this bill shall not become operative unless a
23 *the* statewide school facilities bond measure that
24 authorizes funding for kindergarten and grades 1 to 12,
25 inclusive, *set forth in Senate Bill 50 of the 1998 Regular*
26 *Session*, is approved by the voters in the November 3,
27 1998, statewide general election.